



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,423	10/11/2001	William B. Noble	1328.014	9084

22494 7590 10/19/2005

DALY, CROWLEY, MOFFORD & DURKEE, LLP  
SUITE 301A  
354A TURNPIKE STREET  
CANTON, MA 02021-2714

EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/975,423	Applicant(s) NOBLE ET AL.	
	Examiner Joseph E. Avellino	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-23 are presented for examination; claims 1 and 15 independent.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 21, 2005 has been entered.

#### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-12 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (USPN 6,571,245) (hereinafter Huang).

4. Referring to claim 1, Huang discloses a method for data sharing (col. 10, lines 4-14) comprising:  
storing private data within a private data memory (i.e. a private folder 622)  
associated with a first sharing partner (i.e. a first user) (col. 9, lines 35-53);

selecting a portion of the private data to provide a private data portion (i.e. selecting a file to share) (col. 10, lines 4-14);

selecting one or more sharing partners (i.e. friends) associated with the first sharing partner (users specifically authorized by the user) (col. 10, lines 4-14);

associating the private data portion with the selected sharing partners (i.e. allow specific privileges such as read only, read/write, and others to the users) (col. 10, lines 4-14);

Huang does not specifically disclose replicating the selected data to each one of the selected sharing partners as respective replicated data on respective write-only data paths, however it has been held obvious to replicate an invention to produce the same multiple results. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Huang furthermore discloses the ability for a second user to download a file to the users computer system (col. 10, lines 54-60) and to show a listing of which files are available to this user from the friend associated with the user (col. 10, lines 15-26). Huang also discloses synchronizing files from one computer to a plurality of computers (i.e. transferring files from office PC, a home PC or a portable PC) thereby providing an up to date copy of the files (col. 12, lines 5-10). Based on these features, one of ordinary skill in the art would find it obvious to combine the automatic synchronization system disclosed in Figure 8 and col. 11, lines 38 to col. 12, line 38 with the file sharing features disclosed in col. 9, line 15 to col. 10, line 60 in order to provide those "friends" the ability to view the most updated file available to the user, thereby providing more efficient

sharing and collaboration on projects and increasing the knowledge of all the users of the system.

5. Referring to claim 2, Huang discloses creating a data tag, including one or more of a first sharing partner tag portion associated with the first sharing partner (i.e. creator), a selected sharing partners tag portion associated with the one or more selected sharing partners (i.e. who has access rights to it) , a data identifier tag portion (i.e. a file name), and a data time identifier tag portion (i.e. when last modified) (col. 10, lines 45-43); and

associating the data tag with the private data portion to provide tagged private data (col. 10, lines 36-53; Figure 7).

6. Referring to claim 3, Huang discloses creating a copy of the tagged private data to provide a tagged private data copy (Huang does not specifically disclose that the selected item is a private data portion, merely "a selected item", however one of ordinary skill in the art would understand that all files can be duplicated, including private ones, and would find this obvious to make this correlation since it is a common feature in all computer systems) (col. 9, lines 15-21);

placing the tagged private data copy into a first shared data memory (i.e. limited access folder 626) associated with the first sharing partner to provide tagged shared data copy (col. 9, lines 15-21; col. 10, lines 4-26); and

associating the tagged shared data copy with a respective one of the one or more selected sharing partners indicated by the selected sharing partners tag portion (col. 10, lines 4-14).

7. Referring to claim 4, Huang discloses copying the tagged shared data copy to a second shared data memory associated with the respective one of the one or more selected sharing partners to provide a tagged replicated data copy (col. 10, lines 45-61; Figure 7).

8. Referring to claim 5, Huang discloses the copying further includes copying the tagged shared data copy with a write-only data connection between the first shared data memory and the second shared data memory (col. 10, lines 4-14).

9. Claims 6 and 7 are rejected for similar reasons as stated above.

10. Referring to claim 8, Huang discloses altering the private data portion (i.e. an inherent feature that if files are synchronized, they must have been changed previously) (col. 11, line 47 to col. 12, line 37).

11. Referring to claim 9, Huang discloses automatically updating the tagged private data when the private data portion is altered by the first sharing partner (col. 12, lines 20-34).

12. Referring to claim 10, Huang discloses selecting the one or more sharing partners with a GUI associated with the data tag (it is an inherent feature to the system that a GUI must be used to associate the files with sharing partners, since the user is the entity which chooses the sharing partners, and any interface which interacts a computer with a user can be considered a GUI) (col. 10, lines 4-14).

13. Referring to claim 11, Huang discloses altering the selected sharing partners tag portion with the GUI (as stated above, if the users are selected via the GUI, then the tag must be altered via the GUI, since this will be the only way which the files will be associated with the users) (col. 10, lines 4-14).

14. Referring to claim 12, Huang discloses changing the tagged shared data and the tagged replicated copy to match the tagged private data copy when the tagged private data copy is altered by the first sharing partner (i.e. recopying the file from the private folder into the public folder, and allowing synchronization to occur, see point (3) below) (col. 11, lines 62-67), however does not disclose the process automatically occurs. However it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). By this rationale, one of ordinary skill in the art would find it obvious to automate the process of updating the shared data copy and the replicated data copy

when the private data is modified, in order to ensure the correct data is copied to the sharing partners, thereby providing up to ate copies of the files.

15. Claims 15-17, 20, 21, and 23 are rejected for similar reasons as stated above.

16. Referring to claim 22, Huang does not specifically disclose deselecting a sharing partner and stop updating the information, however this would be an inherent feature of the system since the limited access files are only available for access by this user (col. 10, lines 15-25) and therefore the files would only be updated for those who have access.

Claims 13, 14, 18, and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Pike et al. (Defense Data Network, Defense Secure Network; FAS Intelligence Resource Program; February 11, 2000 <http://www.fas.org/irp/program/disseminate/ddn.htm>) (hereinafter FAS).

17. Huang discloses the invention substantively as described in the claims above. Huang does not disclose corresponding to military allies located in different countries. FAS discloses another data sharing system wherein the sharing partners corresponds to military allies in different countries (i.e. worldwide) (p.1). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of FAS with Huang in order to connect worldwide sub-networks to one another



and to which classified circuits are encrypted in order to utilize the same network for all types of classes of traffic as supported by FAS (p. 1).

***Response to Amendment***

18. Applicant's arguments filed February 11, 2005 have been fully considered but they are not persuasive.

19. In the remarks, Applicant argues, in substance, that (1) Huang does not disclose using respective write-only data paths, (2) Huang does not disclose associating a data tag with the private data portion to provide tagged private data, (3) Huang does not disclose creating a copy of the tagged private data to provide a tagged private data copy and copies the private data, and (4) Huang does not disclose copying the tagged private data copy to a second shared data memory associated with a respective one of the one or more selected sharing partners to provide a tagged replicated data copy.

20. As to point (1), Applicant provides that "a write-only data path is a data path on which an owner of data can send (write) the data to a recipient" (p. 11). Therefore, when the file is published from the sender to the recipient, and it is inherently written, the link on which the sender utilizes to transmit the file to the recipient is a write-only link. and by this rationale the rejection is maintained.

Art Unit: 2143

21. As to point (2), Applicant's rationale is incorrect. Applicant's attention is directed to the cited passage for this limitation, specifically col. 10, lines 35-45 and Figure 7.

Applicant will appreciate that the data in the private folder cannot be accessed by anyone other than the authorized user, ensuring that the data is private (col. 9, lines 45-53). Applicant will further appreciate that the file, regardless as to what folder it resides in, when clicked upon, will provided a listing 716 of information (i.e. the data tag) including version, type, size, who and when created who and when last modified, who has access rights, etc. all of which can be considered a first sharing partner tag portion associated with the first sharing partner. By this rationale, the rejection is maintained.

22. As to point (3), Applicant will appreciate that "a user can create a duplicate of the selected item, *make a copy of the selectd item, make a copy of the selected item into another folder*" (col. 9, lines 18-21). Since the private data and the public/limited data reside in separate folders (see Figure 6, ref. 622, 624, and 626), one of ordinary skill in the art would understand the ability to copy data from the private folder into the publish or friends folders. By this rationale, the rejection is maintained.

23. As to point (4) Applicant will appreciate that the data in the Friends folder (i.e. the tagged private data copy since it has been established that it can be copied see point 3) can be replicated to another friend using the "get" button 742. By this rationale, the rejection is maintained.

Art Unit: 2143

**Conclusion**

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

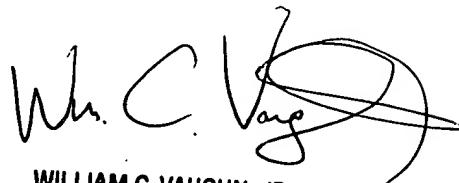
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA

August 30, 2005



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER